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**Attorneys for Defendant
7-ELEVEN, INC.**

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

KIMBERLY ALEKSICK, individually and on behalf of other members of the general public similarly situated,

Plaintiffs.

v.

7-ELEVEN, INC., a Texas Corporation,
MICHAEL TUCKER; an individual; and
DOES 1-50, Inclusive,

Defendants.

CASE NO. 08 CV 0059 J (WMc)

The Hon. Napoleon A. Jones, Jr.

PROOF OF SERVICE

Document Electronically Filed

Hearing Date: March 3, 2008

Time: 8:30 a.m.

Courtroom: 12

I, Lindley P. Fraley, hereby certify that on February 1, 2008, the following documents were *electronically* filed with the Clerk of the Court on behalf of Defendant 7-Eleven:

1. Notice of Motion and Motion for Judgment on the Pleadings by Defendant 7-Eleven, Inc. pursuant to Rule 12(C) of the Federal Rules of Civil Procedure and Motion to Strike;

2. Memorandum in Support of Defendant 7-Eleven, Inc.'s Motion for Judgment on the Pleadings by Defendant 7-Eleven, Inc. pursuant to Rule 12(C) of the Federal Rules of Civil Procedure and Motion to Strike;

3. Declaration of Eric A. Welter;

4. [Proposed] Order Granting Motion for Judgment on the Pleadings by Defendant 7-Eleven, Inc. pursuant to Rule 12(C) of the Federal Rules of Civil Procedure and Motion to Strike; and

5. Proof of Service.

I further certify that true and correct copies of the foregoing documents along with accompanying exhibits were served via US mail upon:

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DATED: February 1, 2008 PAYNE & FEARS LLP

By: Lindley P. Fratley
LINDLEY P. FRATELY

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